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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/074,288 05/07/98 POKORZYNSKI

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000277 IM52/1219  
PRICE HENEVELD COOPER DEWITT & LITTON  
695 KENMOOR, S.E.  
P O BOX 2567  
GRAND RAPIDS MI 49501

EXAMINER

JOHNSON, J

ART UNIT

PAPER NUMBER

1764

DATE MAILED:

12/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/074,288

Applicant(s)

POKORZYNSKI ET AL.

Examiner

Jerry D. Johnson

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-33 is/are pending in the application.
- 4a) Of the above claim(s) 11-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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The request filed on December 8, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/074,288 is acceptable and a CPA has been established. An action on the CPA follows.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 and 6-10 are indefinite, i.e., it is unclear what is intended to be encompassed by the claims.

Claim 1 recites:

An integrated interior trim member for a vehicle comprising:

a porous substrate having a first surface in which substantially all of said first surface is exposed to said porous substrate;

an upholstery skin material; and

a molded foam material extending between said upholstery skin material and said first surface substrate, for bonding to said upholstery skin material and to said porous substrate and thereby bonding said skin material to said porous substrate. (Emphasis added).

Claim 6 recites:

An integral interior trim member for a vehicle comprising:

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an upholstery skin material;

a molded foam layer bonded to said upholstery skin material; and

a porous substrate having a first surface integrally formed within said foam layer,  
wherein substantially all of said first surface is exposed to and bonded to said porous  
substrate and said foam layer forms a bond between said porous substrate and said  
upholstery skin material. (Emphasis added).

It is unclear what is intended by “a porous substrate having a first surface” wherein  
“substantially all of said first surface is exposed to said porous substrate” (claim 1); and “a  
porous substrate having a first surface integrally formed within said foam layer” wherein  
“substantially all of said first surface is exposed to and bonded to said porous substrate”(claim  
6). It is noted that applicant's have not pointed to anywhere in the specification which supports  
or defines the above quoted language.

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Jerry D. Johnson whose telephone number is (703) 308-2515.  
The examiner can normally be reached on 6:00-3:30, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Marian Knobe can be reached on (703) 308-4311. The fax phone numbers for the  
organization where this application or proceeding is assigned are (703) 305-5408 for regular  
communications and (703) 305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Jerry D. Johnson  
Primary Examiner  
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JDJ  
December 18, 2000